

Application No.: 10/705,407

Docket No.: 20050/0200481-USO

REMARKS

Pending Claims

Claims 1-20 are pending. On November 7, 2003, a preliminary amendment was filed to eliminate multiple dependent claims and to add new claims (claims 14-20) to compensate for the deleted multiple dependent claims. In the Office Action, only claims 1-13 have been considered. It appears that only original claims 1-13 in the original specification and not the claims in the preliminary amendment were considered. Applicants respectfully request that all claims be considered including the new claims added by the Preliminary Amendment.

Claim 1 has been amended based on the description and drawings of the present specification. No new matter has been added.

Claim 13 has been canceled without prejudice.

Claim Rejections – 35 USC §112

Claim 10 has been rejected under 35 USC §112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter.

Applicants amended Claim 10 (and claim 18) to further define that a "mini sheet piece" is a sheet that is attached to the opposite side face of the interlabial pad. The definition is, for example, supported on page 8 of the specification which defines the mini sheet piece as "an attachment to the outside of said interlabial pad and may form a sac or bridge together with the interlabial pad" and supported also by Fig. 16, which shows a mini sheet piece 80 attached to the opposite side face of the interlabial pad. No new matter has been added.

Claim Rejections – 35 USC §101

Claim 13 has been rejected under 35 USC §101 for being an improper process claim. Claim 13 has been canceled, and therefore, this rejection has been rendered moot.

Claim Rejections – 35 USC §102

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Claims 1, 2, 6, and 8 have been rejected under 35 USC 102(b) as being anticipated by Johnson, US Patent No. 4,595,392.

Claim 1 has been amended to state a low friction shape has fine changes on its surface to reduce friction. The low friction shape reduces the friction in cases where it slides with another surface or the same (i.e. its own) surface when the interlabial pad is folded over on itself such that the low friction shape faces itself.

Johnson does not disclose, teach, or suggest a low friction shape with fine changes on its surface to reduce friction. Johnson discloses a pad 1 folded along fold line 2 with the inwardly folded faces secured to each other by adhesive securement dots 4 or similar securement means to form a raised cylindroidal centrally disposed portion 3 designed to engage the labia of the wearer. (See column 2, lines 37 to 41). Johnson states nothing about how the inwardly folded faces should be. Therefore, for at least the foregoing reason, claim 1 is not anticipated by the cited prior art.

Claims 2, 6, and 8, which depend from claim 1 directly or indirectly, are also not anticipated by the cited prior art reference for at least the same reason as claim 1.

Claim Rejections – 35 USC §103

Claims 7, 11, and 12 have been rejected under 35 USC 103(a) as being unpatentable over Johnson.

Claims 7, 11, and 12, which depend from claim 1 directly or indirectly, are neither anticipated by or obvious from the cited prior art reference for at least the same reason as claim 1 -- i. e. Johnson does not disclose, teach, or suggest a low friction shape with fine changes on its surface to reduce friction.

Claims 11 and 12 have been rejected as being allegedly directed to an intended use of the article and that the prior art structure is capable of performing this intended use.

Claims 11 and 12 are neither anticipated by or obvious from the cited prior art reference for at least the same reason as claim 1.

Claim 9 has been rejected under 35 USC §103(a) as being unpatentable over Johnson in view of Wray et al.

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Claim 9, which depends from claim 1, is not disclosed, taught, or suggested by the cited prior art references for at least the same reason as claim 1. Wray et al. also does not disclose, teach or suggest a low friction shape with fine changes on its surface to reduce friction.

Claims 14-20, which depend from claim 1 directly or indirectly, are also not anticipated by or obvious from the cited prior art references for at least the same reasons as claim 1.

Subject Matter Deemed to be Allowable

Claims 3-5 have been deemed to be allowable if rewritten in independent form. These claims without amendments are believed to be allowable also for at least the same reasons as claim 1.

In view of the above amendment, applicant believes the pending application is in condition for allowance.

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Respectfully submitted,

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